

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

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STEVE ALLEN WOOTEN

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Plaintiff,

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v.

\* CIVIL ACTION NO. 3:05-CV-441-T  
(WO)

TALLAPOOSA COUNTY JAIL, *et al.*,

\*

Defendants.

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**RECOMMENDATION OF THE MAGISTRATE JUDGE**

This 42 U.S.C. § 1983 action was filed by Plaintiff on May 11, 2005. On May 27, 2005 the envelope containing Plaintiff's copy of an order filed May 23, 2005 was returned to the court marked "Returned to Sender, Attempted Not Known, Not Here," because Plaintiff was no longer at the address he had provided to the court. Consequently, an order was entered on June 16, 2005 directing Plaintiff to provide the court with his present address on or before June 30, 2005. (Doc. No. 7.) Plaintiff was cautioned that his failure to comply with the court's June 16 order would result in a recommendation that this case be dismissed. (*Id.*)

On June 22, 2005, the envelope containing Plaintiff's copy of the court's June 16 order was returned to the court marked as undeliverable. As it appears clear that Plaintiff is no longer residing at the address he provided to the court when he filed the instant complaint and that he has not provided this court with a new address, the undersigned concludes that dismissal of the complaint at this juncture is appropriate.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be

dismissed without prejudice for Plaintiff's failures to prosecute this action properly and to comply with the orders of this court.

It is further

ORDERED that the parties are DIRECTED to file any objections to the said Recommendation on or before July 12, 2005. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5<sup>th</sup> Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11<sup>th</sup> Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11<sup>th</sup> Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 27<sup>th</sup> day of June, 2005.

/s/Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE